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*Attorney for Amicus AMA Coalition for Justice and Police Reform*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**CITY OF PORTLAND,**

Defendant.

Case No. 3:12-cv-02265-SI

**AUGUST 2023 STATUS REPORT OF  
THE ALBINA MINISTERIAL  
ALLIANCE COALITION FOR  
JUSTICE AND POLICE REFORM**

The Albina Ministerial Alliance Coalition for Justice and Police Reform (“AMA Coalition”) hereby submits its status report for the upcoming August 14, 2023 Status Conference.

**I. THE AMA COALITION’S ISSUES OF IMMINENT CONCERN**

The AMA Coalition affirms the City’s incremental progress on many of the issues before the Court and in the Settlement Agreement.

However, the AMA Coalition believes we are still a long way from producing a 21st Century Community Police force that offers public safety and trust to the most vulnerable citizens in the City of Portland. In crucial areas of the Settlement Agreement, there is still a wide gap.

**A. Court Monitor**

The parties have been in confidential mediation sessions discussing the potential of a Court Monitor to oversee compliance with the Settlement Agreement. Despite requests to be fully involved in the Court Monitor design and selection process, the AMA Coalition has only been permitted to attend parts of the mediation sessions, and therefore has limited information and ability to comment on the status of the Court Monitor issue.

As previously stated, the AMA Coalition believes a Court Monitor is necessary and advocates for swift implementation. The AMA Coalition reiterates that the Court Monitor should be from the Portland region, have a local office, and be required to interact with and take input from community members. Furthermore, the amici should be involved in each step along the way—from finding a monitor to educating the monitor to responding to the monitor’s actions/inactions. As of the time of the writing of this report, the AMA Coalition is not confident that sufficient progress is being made toward prompt implementation of a Court Monitor.

**B. Portland Committee on Community Engaged Policing**

The AMA Coalition remains supportive of the PCCEP and appreciates the PCCEP’s community engagement. Unfortunately, there is still high turnover, inconsistent quorums at the meetings, and a lack of capacity and resources to meet the requirements of some paragraphs of the Agreement. Furthermore, new members have been participating in meetings without completing the full training and the amici have not been invited to train new members.

The City has chronically failed to fill PCCEP seats. The City has pledged to fill empty seats in a timely way, yet at least one seat has remained empty for months with no explanation or remedy.

Because of the consistently high turnover and the great deal of work the PCCEP is expected to engage with, the AMA Coalition believes that City Council should authorize PCCEP to set its own quorum based on the number of seated members which will allow them to take action instead of waiting to have full or near full participation from all members. Historically, PCCEP has struggled to maintain steady numbers at its meetings, and such an allowance would grant the entity further flexibility.

Furthermore, the staff for the PCCEP should be supporting the PCCEP as requested, but should not be taking on all tasks for the PCCEP. The AMA Coalition was recently informed that the City has a new dedicated staff position involving community engagement for PCCEP. The AMA Coalition awaits further information about the nature and scope of this position.

The AMA Coalition is increasingly concerned about the lack of support for youth members. It seems the City is neglecting its responsibility in recruiting and retaining youth PCCEP members. The City should devote time and attention to understanding the particular challenges with and barriers to youth participation so that youth member can join and stay on the PCCEP.

### **C. Training**

The AMA Coalition is pleased to hear of the hiring of a new local civilian training dean and looks forward to learning how she will change the culture of training within PPB. The AMA Coalition is concerned that, for three years in a row now, PPB has not done taser training. In addition, for the third consecutive year, the City has not demonstrated that all PPB training

provided conforms to PPB's policies. For example, PPB's 40mm less-lethal launcher qualification training contained materials with incorrect instruction on firing at groups without individual justification in violation of PPB policy and a federal court order. In addition, the AMA Coalition is concerned with what policies, procedures, protocols and accountability are in place to prevent the controversial training slide situation from happening again. It is imperative that the City improves its training to lead to less excessive force.

#### **D. Accountability**

The City continues to not hold officers accountable for violating their own policies and failing to deescalate a situation. Furthermore, Sergeants and higher need to be held accountable. One example raised in the DOJ's Seventh Periodic Compliance Assessment Report is the shooting of a moving vehicle—firing 15 shots at a moving-away (and then stopped) vehicle is both inconsistent with policy and exceptionally dangerous to other officers and the public. After being informed of these issues, the City declined to reinvestigate and hold the involved officers accountable. The AMA Coalition is concerned about attempts to dilute the independent accountability commission.

#### **E. Body Worn Cameras**

Body worn cameras are a tool for accountability and should be treated as such. The AMA Coalition maintains its position that if body cameras are used by PPB, certain parameters must be met, as drafted and adopted by the AMA Coalition in 2015 and reiterated in Dkt. 288, at 3. Critically, the AMA Coalition strenuously opposes any BWC policy that allows officers to review footage before writing their reports, even for Category III or IV uses of force. Furthermore the AMA Coalition strongly believes the City should select a third-party Oregon company subject to Oregon law, who is not the manufacturer, nor any law enforcement entity, to store the footage, to ensure access/storage and prevent tampering. Lastly, PPB should use the

trial period to recommend adjustment to police procedures and protocols. The AMA Coalition urges the City to agree to work toward policies that are consistent with the AMA Coalition's stated principles.

#### **F. EIS**

The City is not properly using the EIS system to identify PPB officers who show a pattern of violating policies and practices to prevent future incidents from occurring. As stated in the Seventh Compliance Report, a "review of a sample of EIS records for officers who ultimately became subject to criticism for poor outcomes shows that PPB repeatedly declined any interventions. The EIS also shows no interventions following the City's settlement of significant civil claims based on PPB uses of force." This is unacceptable and will not lead to fewer incidents of excessive uses of force.

#### **G. Slide Deck Investigation**

The AMA Coalition is dissatisfied with the City's training slide deck investigation. Not only was the investigation severely delayed, but it was not conducted properly and only resulted in the (lowered) discipline of one officer. The AMA Coalition calls for a thorough and timely re-investigation of this issue.

#### **H. Portland Police Bureau Culture**

Since the Kendra James case in 2003, the AMA Coalition has consistently pointed out that Portland's police culture fosters a "them against us" culture that produces officers who view themselves as warriors rather than guardians or peace-keepers, especially within the Black community, communities of color, and the mental health community. The failure to address this wedge in the City of Portland will continue to produce the same results of mistrust, division, and polarization.

## CONCLUSION

The AMA Coalition will continue to support transformative change within the bureau that will lead to the safety of all community members, and remains committed to bringing a community voice to this very important process. However, the AMA Coalition's "voice" is becoming hoarse over the years as this case continues and serious and repeated concerns of delay and noncompliance are unresolved. Consistent with the AMA Coalition's collaborative agreement with the DOJ and City, the AMA Coalition agrees to advocate for the implementation of the Settlement Agreement and PCCEP reforms that the AMA Coalition supports and will oppose any attempts to weaken or dilute the Settlement Agreement and PCCEP reforms that it supports.

DATED: August 11, 2023.

Respectfully submitted,

/s/ J. Ashlee Albies

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